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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,722	11/13/2002	Robert C. Dart	70254-356	6156
20915	7590	12/13/2007		
MCGARRY BAIR PC 32 Market Ave. SW SUITE 500 GRAND RAPIDS, MI 49503			EXAMINER HYLTON, ROBIN ANNETTE	
			ART UNIT 3781	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/065,722

Examiner

Robin A. Hylton

Applicant(s)

DART ET AL.

Art Unit

3781

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 16 October 2007 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

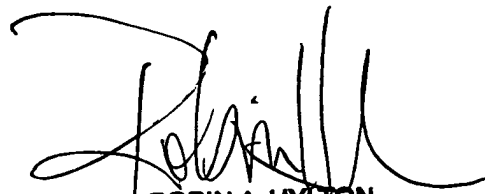
b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The examiner has determined that the amendment filed 10/16/07 is not a proper or appropriate submission or amendment within the context of MPEP 1204.01(I). An amendment which adds new claims without either amending the rejected claims, or substituting new claims for the rejected claims, is not appropriate. See the first paragraph of MPEP page 1200-56. It should be noted here that, given the nature of the amendment, it is nearly impossible for the examiner to determine if the new claims go over and beyond the new grounds of rejection raised by the Board of Patent Appeals and Interferences (BPAI). Applicant is reminded that prosecution is closed except as to that subject matter to which the new grounds was applied. See MPEP 1214.01 for complete details as to how to proceed after a board decision.


ROBIN A. HYLTON
PRIMARY EXAMINER